

# EXHIBIT I

ORIGINAL

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FILED

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CLERK U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION AT SANTA ANA  
DEPUTY

Attorneys for Plaintiff Sony Corporation

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

SONY CORPORATION, A Japanese  
corporation,

Plaintiff,

vs.

VIZIO, Inc.,

Defendant.

CASE NO. CV-01135-AHS-AN

**FIRST AMENDED COMPLAINT  
FOR PATENT INFRINGEMENT**

**JURY TRIAL DEMANDED**

Plaintiff Sony Corporation files this complaint against VIZIO, Inc. ("VIZIO"  
or "Defendant"):

**THE PARTIES**

1. Plaintiff Sony Corporation ("Sony") is a Japanese corporation with a  
principal place of business at 1-7-1, Konan, Minato-ku, Tokyo, Japan.

2. Upon information and belief, VIZIO is a corporation organized under  
the laws of California and headquartered at 39 Tesla, Irvine, California, 92618.

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1       7.     On March 24, 1998, the USPTO issued U.S. Patent No. 5,731,847 titled  
2 "Subtitle Encoding/Decoding Method and Apparatus" (hereinafter "the '847  
3 patent"). A true and correct copy of the '847 patent is attached hereto as Exhibit D.

4       8.     On May 12, 1998, the USPTO issued U.S. Patent No. 5,751,373 titled  
5 "Television Function Selection Method, Television Receiver and Remove  
6 Commander for Television Receiver" (hereinafter "the '373 patent"). A true and  
7 correct copy of the '373 patent is attached hereto as Exhibit E.

8       9.     On August 29, 2000, the USPTO issued U.S. Patent No. 6,111,614  
9 titled "Method and Apparatus for Displaying an Electronic Menu having  
10 Components with Differing Levels of Transparency" (hereinafter "the '614 patent").  
11 A true and correct copy of the '614 patent is attached hereto as Exhibit F.

12       10.    On April 1, 2003, the USPTO issued U.S. Patent Re-issue No. 38,055  
13 titled "Video Data Bus Communication System and Method" (hereinafter "the '055  
14 patent"). A true and correct copy of the '055 patent is attached hereto as Exhibit G.

15       11.    On August 26, 2008, the USPTO issued U.S. Patent Re-issue No.  
16 40,468 titled "Video Data Bus Communication System and Method" (hereinafter  
17 "the '468 patent"). A true and correct copy of the '468 patent is attached hereto as  
18 Exhibit H.

19       12.    On August 17, 2004, the USPTO issued U.S. Patent No. 6,778,182  
20 titled "Display Device" (hereinafter "the '182 patent"). A true and correct copy of  
21 the '182 patent is attached hereto as Exhibit I.

22       13.    On December 9, 2003, the USPTO issued U.S. Patent No. 6,661,472  
23 titled "Channel Selection In Digital Television" (hereinafter "the '472 patent"). A  
24 true and correct copy of the '472 patent is attached hereto as Exhibit J.

25       14.    The '626 patent, '577 patent, '542 patent, '847 patent, '373 patent, '614  
26 patent, '055 patent, '468 patent, '182 patent, and the '472 patent collectively, are  
27 henceforth referred to as the "patents-in-suit."  
28

1 15. Sony is the owner of all right, title, and interest in and to each of the  
2 patents-in-suit with full and exclusive right to bring suit to enforce this patent,  
3 including the right to recover for past infringement.

4  
5 COUNT I  
6 INFRINGEMENT OF THE '626 PATENT  
7

8 16. Sony realleges and incorporates herein the allegations of the preceding  
9 paragraphs of this Complaint as if fully set forth herein.

10 17. Upon information and belief, in violation of 35 U.S.C. § 271,  
11 Defendant has infringed and is continuing to infringe, literally and/or under the  
12 doctrine of equivalents, the '626 patent by practicing one or more claims of the '626  
13 patent in the manufacture, use, offering for sale, sale, and/or importation or  
14 exportation of display devices, including digital televisions.

15 18. Upon information and belief, in violation of 35 U.S.C. § 271,  
16 Defendant has infringed and is continuing to infringe the '626 patent by contributing  
17 to and/or actively inducing the infringement by others of the '626 patent by the  
18 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
19 devices, including digital televisions.

20 19. Upon information and belief, Defendant has willfully infringed the  
21 '626 patent.

22 20. Upon information and belief, Defendant's acts of infringement of the  
23 '626 patent will continue after service of this complaint unless enjoined by the  
24 Court.

25 21. As a result of Defendant's infringement, Sony has suffered and will  
26 suffer damages.

27 22. Sony is entitled to recover from Defendant the damages sustained by  
28 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

23. Unless Defendant is enjoined by this Court from continuing its infringement of the '626 patent, Sony will suffer additional irreparable harm and impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary and permanent injunction against further infringement.

**COUNT II**

**INFRINGEMENT OF THE '577 PATENT**

24. Sony realleges and incorporates herein the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

25. Upon information and belief, in violation of 35 U.S.C. § 271, Defendant has infringed and is continuing to infringe, literally and/or under the doctrine of equivalents, the '577 patent by practicing one or more claims of the '577 patent in the manufacture, use, offering for sale, sale, and/or importation or exportation of display devices, including digital televisions.

26. Upon information and belief, in violation of 35 U.S.C. § 271, Defendant has infringed and is continuing to infringe the '577 patent by contributing to and/or actively inducing the infringement by others of the '577 patent by the manufacture, use, offering for sale, sale, and/or importation or exportation of display devices, including digital televisions.

27. Upon information and belief, Defendant has willfully infringed the '577 patent.

28. Upon information and belief, Defendant's acts of infringement of the '577 patent will continue after service of this complaint unless enjoined by the Court.

29. As a result of Defendant's infringement, Sony has suffered and will suffer damages.



1 37. As a result of Defendant's infringement, Sony has suffered and will  
2 suffer damages.

3 38. Sony is entitled to recover from Defendant the damages sustained by  
4 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

5 39. Unless Defendant is enjoined by this Court from continuing its  
6 infringement of the '542 patent, Sony will suffer additional irreparable harm and  
7 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
8 and permanent injunction against further infringement.

9  
10 **COUNT IV**  
11 **INFRINGEMENT OF THE '847 PATENT**  
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13 40. Sony realleges and incorporates herein the allegations of the preceding  
14 paragraphs of this Complaint as if fully set forth herein.

15 41. Upon information and belief, in violation of 35 U.S.C. § 271,  
16 Defendant has infringed and is continuing to infringe, literally and/or under the  
17 doctrine of equivalents, the '847 patent by practicing one or more claims of the '847  
18 patent in the manufacture, use, offering for sale, sale, and/or importation or  
19 exportation of digital devices, including display televisions.

20 42. Upon information and belief, in violation of 35 U.S.C. § 271,  
21 Defendant has infringed and is continuing to infringe the '847 patent by contributing  
22 to and/or actively inducing the infringement by others of the '847 patent by the  
23 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
24 devices, including digital televisions.

25 43. Upon information and belief, Defendant has willfully infringed the  
26 '847 patent.  
27  
28



44. Upon information and belief, Defendant's acts of infringement of the '847 patent will continue after service of this complaint unless enjoined by the Court.

45. As a result of Defendant's infringement, Sony has suffered and will suffer damages.

46. Sony is entitled to recover from Defendant the damages sustained by Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

47. Unless Defendant is enjoined by this Court from continuing its infringement of the '847 patent, Sony will suffer additional irreparable harm and impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary and permanent injunction against further infringement.

**COUNT V**

## INFRINGEMENT OF THE '373 PATENT

48. Sony realleges and incorporates herein the allegations of the preceding paragraphs of this Complaint as if fully set forth herein.

49. Upon information and belief, in violation of 35 U.S.C. § 271, Defendant has infringed and is continuing to infringe, literally and/or under the doctrine of equivalents, the '373 patent by practicing one or more claims of the '373 patent in the manufacture, use, offering for sale, sale, and/or importation or exportation of display devices, including digital televisions.

50. Upon information and belief, in violation of 35 U.S.C. § 271, Defendant has infringed and is continuing to infringe the '373 patent by contributing to and/or actively inducing the infringement by others of the '373 patent by the manufacture, use, offering for sale, sale, and/or importation or exportation of display devices, including digital televisions.

1           51. Upon information and belief, Defendant has willfully infringed the  
2 '373 patent.

3           52. Upon information and belief, Defendant's acts of infringement of the  
4 '373 patent will continue after service of this complaint unless enjoined by the  
5 Court.

6 53. As a result of Defendant's infringement, Sony has suffered and will  
7 suffer damages.

54. Sony is entitled to recover from Defendant the damages sustained by Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

55. Unless Defendant is enjoined by this Court from continuing its infringement of the '373 patent, Sony will suffer additional irreparable harm and impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary and permanent injunction against further infringement.

**COUNT VI**

## INFRINGEMENT OF THE '614 PATENT

18        56. Sony realleges and incorporates herein the allegations of the preceding  
19 paragraphs of this Complaint as if fully set forth herein.

20 57. Upon information and belief, in violation of 35 U.S.C. § 271,  
21 Defendant has infringed and is continuing to infringe, literally and/or under the  
22 doctrine of equivalents, the '614 patent by practicing one or more claims of the '614  
23 patent in the manufacture, use, offering for sale, sale, and/or importation or  
24 exportation of display devices, including digital televisions.

25           58. Upon information and belief, in violation of 35 U.S.C. § 271,  
26 Defendant has infringed and is continuing to infringe the '614 patent by contributing  
27 to and/or actively inducing the infringement by others of the '614 patent by the

1 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
2 devices, including digital televisions.

3 59. Upon information and belief, Defendant has willfully infringed the  
4 '614 patent.

5 60. Upon information and belief, Defendant's acts of infringement of the  
6 '614 patent will continue after service of this complaint unless enjoined by the  
7 Court.

8 61. As a result of Defendant's infringement, Sony has suffered and will  
9 suffer damages.

10 62. Sony is entitled to recover from Defendant the damages sustained by  
11 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

12 63. Unless Defendant is enjoined by this Court from continuing its  
13 infringement of the '614 patent, Sony will suffer additional irreparable harm and  
14 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
15 and permanent injunction against further infringement.

16  
17 **COUNT VII**

18 **INFRINGEMENT OF THE '055 PATENT**

19  
20 64. Sony realleges and incorporates herein the allegations of the preceding  
21 paragraphs of this Complaint as if fully set forth herein.

22 65. Upon information and belief, in violation of 35 U.S.C. § 271,  
23 Defendant has infringed and is continuing to infringe, literally and/or under the  
24 doctrine of equivalents, the '055 patent by practicing one or more claims of the '055  
25 patent in the manufacture, use, offering for sale, sale, and/or importation or  
26 exportation of display devices, including digital televisions.

27 66. Upon information and belief, in violation of 35 U.S.C. § 271,  
28 Defendant has infringed and is continuing to infringe the '055 patent by contributing

1 to and/or actively inducing the infringement by others of the '055 patent by the  
2 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
3 devices, including digital televisions.

4 67. Upon information and belief, Defendant has willfully infringed the  
5 '055 patent.

6 68. Upon information and belief, Defendant's acts of infringement of the  
7 '055 patent will continue after service of this complaint unless enjoined by the  
8 Court.

9 69. As a result of Defendant's infringement, Sony has suffered and will  
10 suffer damages.

11 70. Sony is entitled to recover from Defendant the damages sustained by  
12 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.

13 71. Unless Defendant is enjoined by this Court from continuing its  
14 infringement of the '055 patent, Sony will suffer additional irreparable harm and  
15 impairment of the value of its patent rights. Thus, Sony is entitled to a preliminary  
16 and permanent injunction against further infringement.

17  
18 **COUNT VIII**

19 **INFRINGEMENT OF THE '468 PATENT**

20  
21 72. Sony realleges and incorporates herein the allegations of the preceding  
22 paragraphs of this Complaint as if fully set forth herein.

23 73. Upon information and belief, in violation of 35 U.S.C. § 271,  
24 Defendant has infringed and is continuing to infringe, literally and/or under the  
25 doctrine of equivalents, the '468 patent by practicing one or more claims of the '468  
26 patent in the manufacture, use, offering for sale, sale, and/or importation or  
27 exportation of display devices, including digital televisions.

28

1       74. Upon information and belief, in violation of 35 U.S.C. § 271,  
2 Defendant has infringed and is continuing to infringe the '468 patent by contributing  
3 to and/or actively inducing the infringement by others of the '468 patent by the  
4 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
5 devices, including digital televisions.

6       75. Upon information and belief, Defendant has willfully infringed the  
7 '468 patent.

8       76. Upon information and belief, Defendant's acts of infringement of the  
9 '468 patent will continue after service of this complaint unless enjoined by the  
10 Court.

11       77. As a result of Defendant's infringement, Sony has suffered and will  
12 suffer damages.

13       78. Sony is entitled to recover from Defendant the damages sustained by  
14 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.  
15 Unless Defendant is enjoined by this Court from continuing its infringement of the  
16 '468 patent, Sony will suffer additional irreparable harm and impairment of the  
17 value of its patent rights. Thus, Sony is entitled to a preliminary and permanent  
18 injunction against further infringement.

19  
20                                   **COUNT IX**

21                   **INFRINGEMENT OF THE '182 PATENT**

22  
23       79. Sony realleges and incorporates herein the allegations of the preceding  
24 paragraphs of this Complaint as if fully set forth herein.

25       80. Upon information and belief, in violation of 35 U.S.C. § 271,  
26 Defendant has infringed and is continuing to infringe, literally and/or under the  
27 doctrine of equivalents, the '182 patent by practicing one or more claims of the '182  
28

1 patent in the manufacture, use, offering for sale, sale, and/or importation or  
2 exportation of display devices, including digital televisions.

3 81. Upon information and belief, in violation of 35 U.S.C. § 271,  
4 Defendant has infringed and is continuing to infringe the '182 patent by contributing  
5 to and/or actively inducing the infringement by others of the '182 patent by the  
6 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
7 devices, including digital televisions.

8 82. Upon information and belief, Defendant has willfully infringed the  
9 '182 patent.

10 83. Upon information and belief, Defendant's acts of infringement of the  
11 '182 patent will continue after service of this complaint unless enjoined by the  
12 Court.

13 84. As a result of Defendant's infringement, Sony has suffered and will  
14 suffer damages.

15 85. Sony is entitled to recover from Defendant the damages sustained by  
16 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.  
17 Unless Defendant is enjoined by this Court from continuing its infringement of the  
18 '182 patent, Sony will suffer additional irreparable harm and impairment of the  
19 value of its patent rights. Thus, Sony is entitled to a preliminary and permanent  
20 injunction against further infringement.

21

22

### COUNT X

23

### INFRINGEMENT OF THE '472 PATENT

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25 86. Sony realleges and incorporates herein the allegations of the preceding  
26 paragraphs of this Complaint as if fully set forth herein.

27 87. Upon information and belief, in violation of 35 U.S.C. § 271,  
28 Defendant has infringed and is continuing to infringe, literally and/or under the

1 doctrine of equivalents, the '182 patent by practicing one or more claims of the '472  
2 patent in the manufacture, use, offering for sale, sale, and/or importation or  
3 exportation of display devices, including digital televisions.

4 88. Upon information and belief, in violation of 35 U.S.C. § 271,  
5 Defendant has infringed and is continuing to infringe the '472 patent by contributing  
6 to and/or actively inducing the infringement by others of the '472 patent by the  
7 manufacture, use, offering for sale, sale, and/or importation or exportation of display  
8 devices, including digital televisions.

9 89. Upon information and belief, Defendant has willfully infringed the  
10 '472 patent.

11 90. Upon information and belief, Defendant's acts of infringement of the  
12 '472 patent will continue after service of this complaint unless enjoined by the  
13 Court.

14 91. As a result of Defendant's infringement, Sony has suffered and will  
15 suffer damages.

16 92. Sony is entitled to recover from Defendant the damages sustained by  
17 Sony as a result of Defendants' wrongful acts in an amount subject to proof at trial.  
18 Unless Defendant is enjoined by this Court from continuing its infringement of the  
19 '472 patent, Sony will suffer additional irreparable harm and impairment of the  
20 value of its patent rights. Thus, Sony is entitled to a preliminary and permanent  
21 injunction against further infringement.

22  
23 **PRAYER FOR RELIEF**

24 WHEREFORE, Sony prays for the following relief:

25 (a) That Defendant be ordered to pay damages adequate to  
26 compensate Sony for Defendant's infringement of each of the patents-in-suit  
27 pursuant to 35 U.S.C. § 284;  
28

1 (b) That Defendant be ordered to pay treble damages for willful  
2 infringement of each of the patents-in-suit pursuant to 35 U.S.C. § 284;

3 (c) That Defendant be ordered to pay attorneys' fees pursuant to 35  
4 U.S.C. § 285 for each of the patents-in-suit;

5 (d) That Defendant, its officers, agents, servants, employees, and  
6 those persons acting in active concert or in participation with them be enjoined from  
7 further infringement of each of the patents-in-suit pursuant to 35 U.S.C. § 283;

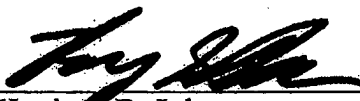
8 (e) That Defendant be ordered to pay prejudgment interest;

9 (f) That Defendant be ordered to pay all costs associated with this  
10 action; and

11 (g) That Sony be granted such other and additional relief as the  
12 Court deems just and proper.

13 DATED: November 14, 2008 Respectfully submitted,

14  
15  
16 By

 / FOR  
Kevin P.B. Johnson  
QUINN EMANUEL URQUHART  
OLIVER & HEDGES, LLP

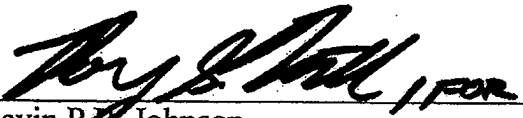
17  
18 Attorneys for Plaintiff  
19 SONY CORPORATION OF AMERICA  
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28



**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury as to all issues so triable.

DATED: November 14, 2008      Respectfully submitted,

By    
Kevin P. Johnson  
QUINN EMANUEL URQUHART  
OLIVER & HEDGES, LLP

Attorneys for Plaintiff  
SONY CORPORATION OF AMERICA